

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of December, 2004, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Vice Mayor Foster gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson 6

Absent: Gillette 1

// Copies of the minutes of the November 23 (two meetings), 2004 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Gillette 1

// In the matter of Fire - General, Resolution #R-04-143 amending the Fire Department FY2005 Budget to reflect an additional expenditure of \$500,000 for salaries, and appropriating \$374,000 to fund adjustments to the pay of Fire Department employees effective January 1, 2005, laid over from the November 23, 2004 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Gillette 1

// In the matter of Community Planning - General, Resolution #R-04-145 approving the sale of City-owned property at 1000 Jefferson Street to Rodney Taylor and authorizing the City Manager to execute a development agreement for rehabilitation of the property, laid over from the November 23, 2004 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Gillette 1

// In the matter of Community Planning - General, Resolution #R-04-146 approving the sale of City-owned property at 1016 Jefferson Street to Oliver Kuttner and authorizing the City Manager to execute a development agreement for rehabilitation of the property, laid over from the November 23, 2004 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Gillette 1

// In the matter of Parks & Recreation - General, Resolution #R-04-150 amending the FY 2005 General Fund Budget and appropriating \$80,600 for the purchase of property located on Old Langhorne Road, adjacent to the Ed Page Entrance to the James River Heritage Trail, laid over from the November 23, 2004 meeting, was again presented and read, and on motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Gillette	1

// In the matter of City Council, City Council Report #6 identifying individuals being considered for appointment to the Community Services Board was received.

// In the matter of Public Works - General, City Council Report #7 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-04-151, as presented, requesting the Virginia Department of Transportation (VDOT) to increase the lane mileage of roadway for street maintenance entitlement funds from the Commonwealth:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Gillette	1

// In the matter of Police - General, City Council Report #8 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-152, as presented, amending the FY 2005 City/Federal/State Aid Fund and appropriating \$1,500, fully reimbursable, for the purchase of traffic safety equipment to effectively carry out selective enforcement activities and investigations:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Gillette	1

// In the matter of Airport - General, City Council Report #9 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-153, as presented, amending the FY 2005 Airport Projects Grant Fund and appropriating \$20,000, fully reimbursable, for airport air service development activities:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Gillette	1

// In the matter of Airport - General, City Council Report #10 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-154, as presented, amending the FY 2005 Airport Project Grant Fund and appropriating \$50,000, with \$25,000 reimbursement, for airport marketing and promotion activities:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Gillette	1

// In the matter of Fire - General, City Council Report #11 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-155, as presented, amending the FY 2005 City/Federal/State Aid Projects Fund and appropriating \$73,382, fully reimbursable, to purchase mass decontamination supplies and equipment by the Fire & EMS Department:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Gillette	1

// In the matter of Fire - General, City Council Report #12 was considered. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-156, as presented, amending the FY 2005 City/Federal/State Aid Projects and appropriating \$183,263, with \$128,258 reimbursement, to purchase fitness/wellness equipment and services for the Fire Department:

Ayes: Dodson, Foster, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Gillette	1

// In the matter of Community Planning – Community Development, a public hearing was held to receive citizen comments in defining needs and developing goals and objectives for the development of the 2005-2010 Consolidated Plan. Four individuals outlined the needs of people with disabilities, i.e., regional transportation, infrastructure, housing, and development of a plan for ongoing Americans with Disabilities Act trainings for area employees involved in architectural design of buildings and pedestrian access ways. One individual suggested a new approach be considered that would direct a portion of the entitlement funds into a targeted geographic area. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Hutcherson announced that no action is required by City Council at this time.

// Council Member Gillette arrived at 7:54 p.m. during the public hearing regarding Agenda Item #14.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #14 outlining the petition of Lynchburg College for a Conditional Use Permit at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street & 333 College Street to allow college operated student housing for four (4) to eight (8) students in an R-2, Low-Medium Density Residential District. City Planner Tom Martin provided a brief summary of the petition. Lynchburg College Business Manager John Lewis outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-04-157, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #15 outlining the petition of Greater Lynchburg Boys & Girls Club of America to rezone approximately 0.778 acres at 601 Twelfth Street and 1101, 1113 Madison Street from I-2, Light Industrial District, to B-4, Central Business District, to allow the use of an existing building as a community center. City Planner Tom Martin provided a brief summary of the petition. Mr. Jim Taylor, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-04-158, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #16 outlining the petition of Gantt Properties, Inc., to rezone approximately 0.4 acres at 811 Mercury Street from R-2, Low-Medium Density Single-Family Residential District, and B-3, Community Business District (Conditional), to B-3, Community Business District (Conditional), to allow the construction of a duplex. City Planner Tom Martin provided a brief summary of the petition. Mr. Joe Gantt outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Ordinance #0-04-159, as presented, granting the petition:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #17 regarding amending Section 35.1-12 of the Zoning Ordinance to allow the City Manager to appoint a Zoning Administrator. City Planner Tom Martin outlined the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-04-160, as presented, amending Section 35.1-12 of the Zoning Ordinance to allow the City Manager to appoint a Zoning Administrator:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #18 regarding amending the Zoning Ordinance to revise the definition of a care center, add a definition for family day home, add a family day home as a permitted accessory use for up to five (5) children with a provision that the Zoning Administrator may grant administrative approval for up to twelve (12) children after providing notification to and receiving no objection from adjacent property owners in R-C, R-1, R-2, R-3, R-4, and R-5 Residential Districts provided that the family day home meets the requirements of Chapter 63.2-100 of the Code of Virginia. City Planner Tom Martin outlined the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-04-161, as presented, amending the Zoning Ordinance to revise the definition of a care center, add a definition for family day home, add a family day home as a permitted accessory use for up to five (5) children with a provision that the Zoning Administrator may grant administrative approval for up to twelve (12) children after providing notification to and receiving no objection from adjacent property owners in R-C, R-1, R-2, R-3, R-4, and R-5 Residential Districts provided that the family day home meets the requirements of Chapter 63.2-100 of the Code of Virginia:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #19 was considered. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-04-162, as presented, approving the renaming of "Beverly Hills Circle" to replace the name "Woodland Circle", a street that extends from the south side of Pearson Drive in a circle to Pearson Drive and also extends in a southerly direction toward Parkview Drive:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, City Council Report #20 was considered. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-163, as presented, to continue the imposition of a \$4.50 Passenger Facility Charge (PFC) for Federal Aviation Administration (FAA) approved projects at Lynchburg Regional Airport:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #21 was considered. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-164, as presented, approving a change order not to exceed \$195,000 from C. L. Lewis, Inc., for the Monument Terrace Steps elevator:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In light of the recent letter from the Campbell County Board of Supervisors, Council Member Dodson stated that he would like for City Council to reconsider the November 23 decision regarding the petition of Compson Development to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance to a proposed shopping center on property located in Campbell County. Mr. Dodson stated that this would allow for a more open discussion regarding this issue at the January 31 joint meeting with Campbell County. In response to Council questioning, City Attorney Walter Erwin stated that City Council would need to vote at this meeting whether or not to reconsider its earlier decision. Mr. Erwin went on to say that City Council could then vote to postpone action on the petition indefinitely which would allow the petition to be brought back to City Council at a future meeting, preferably within the next twelve months. Mr. Erwin also explained that any changes to the original proffers would require that City Council conduct another public hearing. Mr. Erwin also noted that City Council by unanimous vote could waive the one year waiting period, but then the petitioner would have to refile the petition, pay the zoning process fees, and go through the normal process of public hearings before the Planning Commission and City Council. Some Council Members stated that nothing has changed with regard to the shopping center adding to the already serious traffic problems in this area to warrant reconsideration of the request. Other Council Members agreed but commented that they would like an opportunity to speak with Campbell County at the January meeting to determine if they would be open to the idea of sharing revenues from the shopping center and/or assist with some of the traffic improvements. Following discussion, and on motion of Council Member Dodson, seconded by Council Member

Johnson, Council by the following recorded vote agreed to reconsider the November 23, 2004, decision regarding the petition of Compson Development to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance to a proposed shopping center on property located in Campbell County:

Ayes: Dodson, Foster, Johnson, Seiffert, Hutcherson 5

Noes: Gillette, Helgeson 2

On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote agreed to postpone action indefinitely regarding the petition of Compson Development to rezone approximately 1.3 acres at 108 Melinda Drive and Wards Road from R-4, Multi-Family Residential, to B-3, Community Business District (Conditional), to allow for a commercial entrance to a proposed shopping center on property located in Campbell County:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Gillette, seconded by Vice Mayor Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Vice Mayor Foster made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Seiffert, Council by the following recorded vote appointed Jeanette W. Spaulding to fill an unexpired term on the Social Services Advisory Board ending September 30, 2008:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed Council Member Michael Gillette, Chair, Council Member Jeff Helgeson, Vice Chair, John H. Hughes, III, Ruth Richardson, and Shanda Rowe to serve on the Community Development Advisory Committee for terms ending December 31, 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Celilia O. Hull and Ralph Wilson to serve on the Community Development Advisory Committee for terms ending December 31, 2005:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed Robert L. Flint to serve on the Planning Commission for a term ending December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Richard D. Barnes to serve on the Planning Commission for a term ending December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed Sue Boyers to serve on the Community Services Board for a term ending December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed Council Member Michael Gillette, Mayor Carl B. Hutcherson, Jr., Council Member Ceasor

Johnson and Council Member Joseph Seiffert to serve on the Lynchburg Community Action Board for terms ending December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

0

On nomination of Council Member Seiffert, Council by the following recorded vote re-appointed R. David Laurell to serve on the Lynchburg Regional Airport Commission for a term ending December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

0

On nomination of Council Member Seiffert, Council by the following recorded vote appointed Richard W. Loving to serve on the Lynchburg Regional Airport Commission for a term ending December 31, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was adjourned at 9:40 P.M.

Clerk of Council